

E. 6
10/5/05**JOHNSON, BUNCE & NOBLE, P.C.**

JAMES H. BUNCE
KENT A. NOBLE
FREDERICK A. JOHNSON
JAMES P. JOHNSON
MATTHEW P. JONES

FORMERLY SWAIN, JOHNSON & GARD
ESTABLISHED 1946

ASSOCIATED BANK PLAZA
411 HAMILTON BOULEVARD, SUITE 1900
PEORIA, ILLINOIS 61602-1136

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(309) 673-0741

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(309) 672-1698 (309) 673-0751

ARBER JOHNSON
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MISHAEL O. GARD
(1918-1996)

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BRIMFIELD BANK BUILDING
BRIMFIELD, ILLINOIS 61517

PARALEGAL:
WILMA J. BRINKER

OF COUNSEL:
RONALD B. SCHERTZ
FREDERICK D. JOHNSON
WWW.PEORIALAWYERS.COM

FAX COVER SHEET

October 5, 2005

TO: Mr. Tom Turner
Associate Regional Counsel
U.S. EPA - Region V
Office of Regional Counsel (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604

FROM: JOHNSON, BUNCE & NOBLE, P.C.
411 Hamilton Blvd., Suite 1900
Peoria, IL 61602-1136

FAX NO.: (312) 886-0747

OUR CLIENT: Rogun Services, Inc.

RE: RRG/Clayton Chemical Site Soil Removal

NUMBER OF PAGES BEING SENT
INCLUDING COVER SHEET:

8

EPA Region 5 Records Ctr.



285391

Mr. Turner:

Enclosed is Rogun Services, Inc.'s response to the RRG/Clayton situation.

IF THE MESSAGE IS RECEIVED INCOMPLETE OR UNABLE TO BE READ, PLEASE NOTIFY US.

NOTICE

This fax memo transmission is intended only for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee, you are not authorized to read, disseminate, distribute or copy this communication. If you are not the addressee, please return the original transmission to the address noted above by United States mail, along with your expense statement.

JOHNSON, BUNCE & NOBLE, P.C.

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U.S. EPA - Region V
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77 W. Jackson Blvd.
Chicago, IL 60604

Via U.S. Mail and fax

Re: RRG/Clayton Chemical Site

Dear Mr. Turner:

The law firm of Johnson, Bunce & Noble, P.C. represents Rogun Services, Inc. (Rogun). In late September our client received a notice from Linda Nachowicz from the United States Environmental Protection Agency (U.S. EPA) regarding cleanup of chemicals at the RRG/Clayton Chemical Site. The U.S. EPA alleges that Rogun disposed of chemicals that were eventually desposited at the site and demands that Rogun contribute monetarily to the cleanup.

To gather more information, Rogun contacted Dickinson Wright, PLLC, one of the law firms involved that also sent notification letters to our client. That law firm sent our client a breakdown of gallons it alleges that Rogun generated from the years 1987 to 1994, a copy of which is enclosed. Apparently, the U.S. EPA is also relying on those numbers in its determination that Rogun is liable.

Be advised that Rogun was not formed until February 8, 1994, and no operations were performed under a partnership or otherwise before that time. Additionally, when Rogun was incorporated in 1994, the only business activity was powerwashing cars at car dealerships. That business used only two things: (1) a powerwasher and (2) soap. Therefore, it is our position that we are not liable for and will not contribute monetarily or otherwise to the cleanup of this unfortunate incident unless we can be shown documentation tying Rogun to RRG/Clayton.

Also, we are endeavoring to secure the annual reports from RRG/Clayton to the Illinois

EPA to unearth this apparent case of mistaken identity.

If you wish to discuss this matter further, please contact me.

Very truly yours,

JOHNSON, BUNCE & NOBLE, P.C.

By


Matthew P. Jones

MPJ/bfj

cc: Rogun Services, Inc. c/o Richard W. Gunter, Jr. – via U.S. Mail and fax
Dickinson Wright, PLLC c/o Allison R. Bach – via U.S. Mail and fax

Enclosure



500 WOODWARD AVENUE, SUITE 4000
DETROIT, MICHIGAN 48226-3423
TELEPHONE: (313) 223-3500
FACSIMILE: (313) 223-3598
<http://www.dickinsonwright.com>

ALLISON R. BACH
ABach@dickinsonwright.com
(313) 223-3604

August 11, 2005

Mr. Rich Gunther
Rogun Services, Inc.
1619 W Luthy Dr.
Peoria, IL 61615

COPY

Re: RRG/Clayton Chemical Site Soil Removal

Dear Mr. Gunther,

As a followup to our phone conversation on August 11, 2005, I can provide you with the following annual volume information attributed to Rogun Services, Inc. at the RRG/Clayton Chemical Site.

Year	Gallons attributed
1987	485
1988	770
1989	1,375
1991	2,640
1992	2,365
1993	1,540
1994	1,045
Total	10,230

The records used in the allocation are from 1979-1998. It is my understanding that the allocation was based on records from Illinois EPA, primarily the annual reports submitted by Clayton to Illinois EPA during that timeframe. A copy of the complete report is available from the PRP group that completed the Liquids Removal (and PRP search) at a cost of \$200. The underlying documents from Clayton are available for review at the office of Mallikrodt's counsel (Mallikrodt is one of the larger contributors to the site). However, I understand that they are kept in the form they were received and have not been sorted by company (I am not certain whether they were generally kept by year). If you would like his contact information, please let me know.

Although this is the first time you have heard of the site these records indicate that waste from your facility has been attributed to the RRG/Clayton site. Further,

C O U N S E L L O R S A T L A W

DETROIT BLOOMFIELD HILLS LANSING GRAND RAPIDS ANN ARBOR
WASHINGTON, D.C.

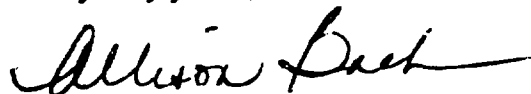
DICKINSON WRIGHT PLLC

Rich Gunther
August 11, 2005
Page 2

the EPA has confirmed with us that you will be receiving a Notice Letter from them within the next three to four weeks.

If you have any questions, please feel free to call me at (313)223-3604. Alternatively, you can email me at abach@dickinsonwright.com.

Very truly yours,



Allison R. Bach

ARB/ARB

DETROIT 25085-57 882012

C O U N S E L L O R S A T L L W

DETROIT BLOOMFIELD HILLS LANSING GRAND RAPIDS ANN ARBOR
WASHINGTON, D.C.

94-04797

File Number 5766-563-7**Whereas,**ARTICLES OF INCORPORATION OF
ROGUN SERVICES INC.

INCORPORATED UNDER THE LAWS OF THE STATE OF ILLINOIS HAVE BEEN
FILED IN THE OFFICE OF THE SECRETARY OF STATE AS PROVIDED BY THE
BUSINESS CORPORATION ACT OF ILLINOIS, IN FORCE JULY 1, A.D. 1984.

*Now Therefore, I, George H. Ryan, Secretary of State of the
State of Illinois, by virtue of the powers vested in me by law, do
hereby issue this certificate and attach hereto a copy of the
Application of the aforesaid corporation.*

In Testimony Whereof, *I hereto set my hand and cause to
be affixed the Great Seal of the State of Illinois,
at the City of Springfield, this 3RD
day of FEBRUARY A.D. 1994 and
of the Independence of the United States
the two hundred and 18TH.*

George H. Ryan
SECRETARY OF STATE

Form

BCA-2.10 ARTICLES OF INCORPORATION

(Rev. Jan. 1991)

George H. Ryan
Secretary of State
Department of Business Services
Springfield, IL 62756
Telephone (217) 782-9961

FILED

FEB - 31994

GEORGE H. RYAN
SECRETARY OF STATE

SUBMIT IN DUPLICATE!

This space for use by
Secretary of State

Date 2-3-94
Franchise Tax \$ 25.00
Filing Fee \$ 75.00
Approved: 100.00

Payment must be made by certified check, cashier's check, Illinois attorney's check, Illinois C.F.A.'s check or money order, payable to "Secretary of State."

1. **CORPORATE NAME:** ROGUM SERVICES INC.

(The corporate name must contain the word "corporation", "company," "incorporated," "limited" or an abbreviation thereof.)

2. **Initial Registered Agent:** Frederick A. Johnson
First Name Middle Initial Last name

Initial Registered Office: 411 Hamilton Blvd. Suite 1900
Number Street Suite #

Peoria 61602 Peoria
City Zip Code County

3. **Purpose or purposes for which the corporation is organized:** To maintain and operate vehicle cleaning and washing facilities, fixed and mobile.
(If not sufficient space to cover this point, add one or more sheets of this size.) and perform all services necessary for the operation thereof, to purchase, hold, sell, improve and lease real estate and mortgage and incumber the same and to erect, manage, care for and maintain, extend and alter buildings thereon, and generally to deal in, by way of sale, lease, exchange or otherwise deal with land and any other property whether real or personal; and to have, enjoy and exercise all the rights, powers and privileges which are now or which may hereafter be conferred upon corporations organized under the Business Corporation Act of the State of Illinois.

4. **Paragraph 1: Authorized Shares, Issued Shares and Consideration Received:**

Class	Par Value per Share	Number of Shares Authorized	Number of Shares Proposed to be Issued	Consideration to be Received Therefor
COMMON	\$None	1,000	500	\$1,000.00

Paragraph 2: The preferences, qualifications, limitations, restrictions and special or relative rights in respect of the shares of each class are:

(If not sufficient space to cover this point, add one or more sheets of this size.)

5. **OPTIONAL:** (a) Number of directors constituting the initial board of directors of the corporation: two (2)
 (b) Names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors are elected and qualify:

Name	Residential Address
Bret M. Romy	7041 N. Teakwood Ct. Peoria, IL 61614
Richard W. Gunther, Jr.	8119 N. Blackbridge Rd. Edwards, IL 61528

6. **OPTIONAL:** (a) It is estimated that the value of all property to be owned by the corporation for the following year wherever located will be: \$ _____
 (b) It is estimated that the value of the property to be located within the State of Illinois during the following year will be: \$ _____
 (c) It is estimated that the gross amount of business that will be transacted by the corporation during the following year will be: \$ _____
 (d) It is estimated that the gross amount of business that will be transacted from places of business in the State of Illinois during the following year will be: \$ _____

OPTIONAL: OTHER PROVISIONS

Attach a separate sheet of this size for any other provision to be included in the Articles of Incorporation, e.g., authorizing preemptive rights, denying cumulative voting, regulating internal affairs, voting majority requirements, fixing a duration other than perpetual, etc.

NAME(S) & ADDRESS(ES) OF INCORPORATOR(S)

The undersigned incorporator(s) hereby declare(s), under penalties of perjury, that the statements made in the foregoing articles of incorporation are true.

dated December 31, 19 93.

Signature and Name	Address
1. <u>Bret M. Romy</u> Signature Bret M. Romy (Type or Print Name)	1. 7041 N. Teakwood Street Peoria IL 61614 City/Town State Zip Code
2. <u>Richard W. Gunther, Jr.</u> Signature Richard W. Gunther, Jr. (Type or Print Name)	2. 8119 N. Blackbridge Rd. Street Edwards IL 61528 City/Town State Zip Code
3. _____ Signature (Type or Print Name)	3. _____ Street City/Town State Zip Code

signatures must be in ink on original document. Carbon copy, photocopy or rubber stamp signatures may only be used on confirmed copies.)
 NOTE: If a corporation acts as incorporator, the name of the corporation and the state of incorporation shall be shown and the execution must be by its President or Vice President and verified by him, and attested by its Secretary or Assistant Secretary.

FEE SCHEDULE

The initial franchise tax is assessed at the rate of 1 1/100 of 1 percent (\$1.50 per \$1,000) on the paid-in capital represented in this state, with a minimum of \$55.

The filing fee is \$75

The minimum total due (franchise tax + filing fee) is \$100.

(Applies when the Consideration to be Received as set forth in Item 4 does not exceed \$18,667)

The Department of Business Services in Springfield will provide assistance in calculating the total fees if necessary.

Illinois Secretary of State
 Department of Business Services

Springfield, IL 62736
 Telephone (217) 782-8522
 782-8523